

Regular Meeting
Thursday, September 7th, 2006, 7:30 p.m.
Lynnport PA 18066

Call to Order:

The **regular meeting** of the Lynn Township Board of Supervisors was called to order at **7:35 p.m.** in the Municipal Building by Chairman Thomas C. Creighton III.

Present were Chairman Thomas C. Creighton III, Vice Chairman Dave Najarian, Member Charles E. Lenhart III, Zoning Officer Kevin N. Deppe, Solicitor Edmund J. Healy, Assistant Secretary Tina Everett, Treasurer Robert Sadler, Northwestern Press Reporter Debbie Palmieri, Stenographer Bonnie Becker from Gallagher Reporting, whom was representing Lynn Township, Clifford L. Lathrop, Stenographer for Lathrop Reporting Agency whom was representing Baker/Ovations and approximately 15 citizens.

Pledge of Allegiance:

The Pledge of Allegiance was conducted.

Public Comment:

Mary Jane Cole had some concerns with an article that was in the Merchandiser advertising for a RN for White Deer Run. This has been in more than once, and she felt an RN wasn't need for an alcohol rehabilitation center, unless it's being operated as a drug/alcohol rehabilitation center. She asked that the Zoning Officer to investigate this matter further. Vice Chairman Najarian apologized for not following up on this matter, but that the Township does plan on looking into this matter further.

Accept the Minutes and direct the

A motion was made by David Najarian, seconded by Charles E Lenhart III to accept the minutes of the prior meetings as such: 7-6, 7-18, 7-31, 8-3, 8-13 & 8-31-06. Motion carried unanimously.

A motion was made by David Najarian, seconded by Charles E. Lenhart III to direct the treasurer to pay the bills. Motion carried unanimously.

Subdivisions:

Northwestern Elementary School-Land Dev.-1 Lot- 6493 Rte. 309-Prel. Plan- Represented by Gregory Snyder and Robert Whartenby of Cowan Assoc., Inc. The applicant requested a waiver as per a letter dated Aug. 16th, 2006 from Section 310 of the SALDO- Section 310-Preliminary Plan, Subsection 312-Plan Sheet Size – The applicant requests a waiver and acceptance for a sheet size of thirty (30) inches by forty-two (42) inches. They also requested the following waivers from the Zoning Hearing Board with a letter dated Aug. 16th, 2006: from Section 344- Special Exception use, Subsection 344.13- Public or Private School- The applicant is requesting favorable review of this section to allow for the expansion of the existing elementary school within the Agriculture District. The expansion will consist of three (3) additional classrooms, multipurpose facility, and additional administrative offices. Section 345-Lot Area, Width, Lot Coverage, and Height Requirements-The applicant is requesting relief to allow an increase in lot coverage. The intent of the project is to provide renovations and additions to this existing facility. In doing so, the maximum lot coverage will increase from 27.55% to 36.79%. Under Section 345, maximum lot coverage shall not exceed 20% within the Agriculture (A) District. These requests will be heard from the Zoning Hearing Board at their next meeting on Tues., Sept. 26th, 2006.

Thomas Creighton questioned Mr. Snyder as to when the construction project would start. Mr. Snyder responded with spring of 2007 is their projected time they hope to start. Mr. Creighton's next concern was the sewer service, depending when it's upgraded. Mr. Snyder has been in contact with the sewer authority and they think they can forecast no increase in flows from what they currently have. They will put in meters. They are currently paying the sewer authority through EDU's. They will add additional flow meter to calculate the flow data. Mr. Whartenby informed the board based on the existing condition of the school with what type of toilets, urinals, sinks,

etc. are in there, and it's actually a 14% decrease in flow with all the new fixtures being installed in the new addition.

Solicitor Healy suggested that two (2) conditions be noted on the plan which were as follows: (1) the disclaimer and (2) no increase in flows measured in GPD due to this renovation/addition. The board then decided that the sewer capacity issues can be resolved on the final plan.

A motion was made by David Najarian, seconded by Charles Lenhart to grant preliminary approval of this plan with conditions of the sewer capacity issues to be resolved at the final plan and with the conditions that the applicant gain the variance/special exception relief matters now pending before the Zoning Hearing Board. Motion carried unanimously.

Gregory & Rene **Snyder**-Minor-2 Lots-7399 Autumn Rd.-Final Plan- Represented by Gregory Snyder.

Kevin Deppe, Zoning Officer questioned Mr. Snyder where the driveway would be installed for this new lot. He wanted to make sure Mr. Snyder was aware it had to conform to SALDO requirements. Mr. Snyder will make sure he meets all the requirements.

Charles Lenhart questioned if there was a recreation fee or any other fees required. There was a \$1,000 (1lot x \$1,000) recreation fee and a road improvements fee of \$2,762.50 paid. The DEP planning module has been received per a letter dated August 28th, 2006. A motion was then made by David Najarian, seconded by Charles Lenhart to grant final approval. Motion carried unanimously.

Ovations @ Olde Homestead-Major-361 Lots- Rtes. 143 & 309-Revised Preliminary Plan-Represented by Gregg Adelman (Kaplin/Stewart) & Gary Armstrong (Baker Residential) Clifford L. Lathrop, stenographer, was in attendance on behalf of Baker Residential. This plan was originally filed in December 2005.

Gregg Adelman questioned the board as to how they wanted him to proceed with the plan.

Solicitor Edmund Healy discussed some of the different letters that went back and forth. As a result of the July meeting, he prepared a letter July 7th, 2006 outlining a number of deficiencies and questions from the plans dated April 21st. After that letter Mr. Adelman submitted a letter to Township Secretary Tina Everett dated July 25th, 2006 which were his responses to the letter he received from Solicitor Healy on July 7th, 2006. Solicitor Healy questioned Mr. Adelman if the planning commission reviewed anything in July. Mr. Adelman's answer to this question was no. Then there was a letter dated Aug. 14th, 2006 from the Township Engineer, Roy Stewart, which addressed the status of the comments and issues between the two previous letters from Solicitor Healy and Gregg Adelman. There were also comments received from the Zoning Officer Kevin Deppe dated August 15th, 2006. The Planning Commission met on Thurs., August 15th, 2006 to discuss and consider these comments from the Engineer and Zoning Officer with the applicant.

Discussion on a response letter that was sent today, Sept. 7th, 2006 from Mr. Adelman on behalf of Baker Residential (Applicant) to the responses the Township Engineer's August 14th letter and the Township Zoning Officer's Aug. 15th, 2006 letter commenting upon the Applicant's revised preliminary subdivision and land development plan dated July 21st, 2006 ("Revised Preliminary Plan") for the proposed Ovations at Olde Homestead preliminary subdivision and land development application. There was also a second letter received on September 7th, 2006 which was due to the fact of some typographical errors that were made on the first letter with the correct acreage of a parcel being noted.

Chairman Creighton questioned Mr. Adelman and Mr. Armstrong as to why they were not at the last workshop meeting, on Thurs., August 31st, 2006. Mr. Adelman was not aware of the meeting, nor did he know he was to attend.

Vice Chairman Najarian felt that in the past they had a similar discussion on procedures, in which, pending subdivision plans are to be heard by the board at a workshop meeting, which is advertised in the beginning of the year. Thereafter, Najarian reviewed both letters dated September 7, 2006 from the applicant and discussed the content of those letters with Mr. Adelman.

Chairman Creighton asked Solicitor Healy if he had a chance to review the letter received as of today dated Sept. 7th from Gregg Adelman on behalf of Baker Residential. Mr. Healy commented that he would have liked more time to look over the letters. There was a fair effort made to answer a number of issues, but Mr. Healy is not sure that all questions have been answered or everything has been resolved.

Chairman Creighton discussed that it basically comes down to the fact that the Lynn Township Planning Commission is advising the Board to deny the preliminary plan due to certain conditions or deficiencies that are in the plan. They are the Board's recommending body and advising them as to what to do. Kevin Deppe Zoning Officer, Solicitor Ed Healy and Engineer Roy Stewart have also informed the Board of deficiencies in the plan.

Thomas Creighton questioned Mr. Gregg Adelman if he had anything else to say. Mr. Adelman felt that all his responses are fully set forth, and had nothing more to say.

Vice Chairman Najarian felt that the applicant satisfied some of the issues highlighted in Mr. Healy's July 7th, 2006 letter but not all. There were remaining deficiencies not addressed in the applicant's most recent plan submission. He also reviewed the recommendations that were made by the Township Planning Commission, with the substance of those comments, in addition to, the failure to obtain relief from the Zoning Hearing Board for the flood plain structures and the membership club, and the fact that the ordinance has been declared invalid, he needed to look at this plan under the ordinance which might later be declared valid and but also as is currently declared invalid. With all the iterations he doesn't see how the current revised preliminary plan meets with either version of SALDO given that the deficiencies that have been outlined in various correspondences. Chairman Creighton questioned Charles Lenhart if he had any comment. Charles Lenhart had no comment on this matter.

A motion was then made by David Najarian, seconded by Thomas Creighton to deny this preliminary plan of Ovations. Mr. Adelman prior to the board finishing their motion questioned on what basis they are moving on to deny the preliminary plan. Mr. Najarian informed him that if the motion passed he will get a letter outlining the deficiencies.

Solicitor Healy wanted to give some more information. He informed Mr. Adelman that he had a conversation with Engineer Stewart in respect to the SALDO requirements Sec. 316.2, that Mr. Adelman had provided some accepted sewage modules and some soil information. Mr. Stewart clarified to me that in the July plan that was filed, no percolation testing was provided and no information was produced as the how the solids would be disposed of. There was also no information on the sprayed suitability of the soil.

Mr. Healy mentioned due to the deficiencies, that there could be a violation of the 2000 subdivision plan, which clarification of it not being used as a building lot, had not been established, but even as of now, due to the deficiencies, it hasn't been approved as a building lot.

Mr. Gregg Adelman understands Mr. Healy's position and thanked him for clarifying that.

Solicitor Healy then discussed the special exception issues that are unresolved. The overall issue is getting the use permitted at all, due to the ordinance currently being challenged.

David Najarian, renewed his motion to deny the preliminary plan of Ovations @ Olde Homestead, Major Subdivision, 361 Lots @ Rtes 309 & 143, Thomas Creighton seconded. With Charles Lenhart voting no, the motion passed.

A motion was then made by David Najarian, seconded by Thomas Creighton to direct Solicitor Healy to write a denial letter within the timeframe as outlined in the MPC (Municipal Planning Code). Motion carried unanimously.

At this time, 8:25 p.m., Bonnie Becker, Stenographer from Gallagher Reporting, representing Lynn Township for the Ovations Plan left the meeting.

Met-Ed Street Light Options/ Heintzelman:

This matter was tabled at the workshop meeting on August 31st, 2006. Discussion on the options that Met-Ed offers. A letter received, dated August 8th, 2006. Met-Ed recommends option #4, which is that they install a standard style post-top streetlight and pole, with a \$1,200 up-front cash contribution for capital costs to install the unit. Met-Ed owns and maintains the system. A 100-watt, high-pressure sodium vapor, streetlight and pole costs approximately \$10.00 a month per light. Under this option, Met-Ed will provide lamp and photocell maintenance. Any other repair, replacement, or maintenance that is needed (pole, fixture, wire, etc.) will be invoiced at the time of completion. If the arrangement isn't acceptable at the time of invoicing, than we would be put on the full tariff rate. This matter needs to be defined going forward with future subdivision plans.

Zoning Officer Kevin Deppe was suppose to receive from Met-Ed a document stating what option the Board would use for developments going forward. As of this meeting, the document had not been received. This document along with a resolution will be presented to the Board when received. The Resolution doesn't normally get signed until the road gets dedicated to the Township, otherwise the Township would be stuck with the bill.

Solicitor Healy felt that we need to address the timing as to when street lights are to be installed. He also informed the Board that Street lights are secured by a letter of credit. The question was what the board wants for Heintzelman's subdivision plan and what policies do they want to set for future subdivision plans.

At this time there was a discussion of a new letter of credit from Heintzelman being needed? After looking into this further, there was a letter of credit received, which was dated August 14th, 2006.

A motion made by David Najarian, seconded by Charles Lenhart to use Met-Ed's residential development street light option #4. Motion carried unanimously.

Solicitor Healy will need the board to pass a motion, probably next month, authorizing him to begin the process of taking over the road for the Heintzelman subdivision.

Treasurer Sadler discussed that when the tax bills goes out, that the tax rate varies. The tax collector will need to know what that is. Solicitor Healy also noted that street light rates are usually set at the budget meeting.

Act 537 Plan/ Feas. Study:

Discussion on a letter written by Vice Chairman David Najarian to Arro, David Schlott dated August 28th, 2006 which was a reminder looking for the written cost estimate for the revisions to the feasibility study for the Act 537 Plan. A response letter was received today, Sept. 7th around 4p.m. via fax from David Schlott, that they, being

Arro, will complete the necessary revisions to the Feasibility Plan as outlined in our letter dated July 21st, 2006, and in accordance with their letter dated August 1st, 2006, at a cost not to exceed \$3,000.

A motion was then made by David Najarian, seconded by Charles Lenhart to formally authorize Arro to proceed with the feasibility study in support of the Act 537 plan. Motion carried unanimously.

Fire Departments – Insurance Issues:

Discussion on whether the fire companies are paying for duplicative liability insurance or excess liability insurance for their fire trucks which the township is already paying for.

Thomas Creighton had spoken to Fire Chief Dennis Snyder of the New Tripoli Fire Company and they were going to get their insurance company and the township's insurance company together to see if they are paying duplicative liability insurance on the fire trucks.

Mr. Creighton would like to see this matter resolved, since there were minutes on this matter from May 2003.

Pension/MMO (Minimum Municipal Obligation) Approval 2007:

A motion was made by David Najarian, seconded by Charles Lenhart to approve the 2007 MMO as presented. Motion carried unanimously.

Exoneration of Delinquent Taxes-Donald & Sharon Phillips:

Discussion on a letter received from the County of Lehigh, dated August 30th, 2006 asking us to exonerate the Tax Claim Bureau from collection of 2004 county and 2004 township taxes for a mobile home on the property of Donald and Sharon Phillip's property which had been removed.

A motion was then made by Charles Lenhart, seconded by David Najarian to exonerate the Tax Claim Bureau from the collection of the following taxes for Donald and Sharon Phillips: 2004 County taxes of \$41.39 and 2004 Township Taxes of \$5.01. Motion carried unanimously.

Review of Proposed Ordinance amending the RC Zoning Ordinance:

There was an extended discussion of the proposed Ordinance amending the zoning ordinance to provide for a more balanced community having mixed housing types in the RC-Rural Center Zoning District. The Board has decided to make some changes to the ordinance and resubmit it to the Lehigh Valley Planning Commission and the Lynn Township Planning Commission for their recommendations. The changes involved a four acre affected lot size, and the allocation between single family homes versus multi-family homes. The changes were made, in part, to address comments made by the Lehigh County Planning Commission, and from Roy Stewart, the Township Engineer. At the workshop meeting on August 31st, 2006, a motion was made to send the amended ordinance to both planning commissions for their recommendations and to authorize Edmund Healy, Twp. Solicitor to advertise for the October Meeting. Motion carried unanimously.

Thomas Creighton questioned Ed Healy if we advertised the map changes, but he hasn't heard back from the Lehigh Valley Planning Commission.

Discussion on the proposed horse ordinance status was discussed. The proposed ordinance would need to be sent to the Lynn Township Planning Commission and the Lehigh Valley Planning Commission.

A motion was made by David Najarian , seconded by Charles Lenhart to authorize the Assistant Township Secretary to send the proposed horse ordinance to the Lehigh Valley Planning Commission and the Lynn Township Planning Commission for their comments. Motion carried unanimously.

The Board directed Solicitor Healy to advertise the following proposed ordinances: regional planning ordinance, mixed housing ordinance, horse ordinance and the environmental advisory committee for the November 2nd, 2006 regular meeting, but starting at 7:00 p.m.

Award Bid for Concrete / 2006 Ontelaunee Park:

Discussion on the two bids received for the Ontelaunee Park Gateway Garden concrete work was discussed. The bids were accepted at the workshop meeting on Thurs., August 31st, 2006.

Solicitor Healy informed the Board that Nimaris Construction L.P, which was the high bid failed to supply a non-collusion affidavit.

A motion was made by David Najarian, seconded by Charles Lenhart to award the bid for the concrete work @ Ontelaunee Park to Collins & Maxwell Construction Company. Motion carried unanimously.

Ordinance 2006-4:

A motion was made by David Najarian, seconded by Charles Lenhart to adopt Ordinance 2006-4 **“AN ORDINANCE OF THE TOWNSHIP OF LYNN, COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA, IMPOSING SPEED LIMITS ON PORTIONS OF SLATEVILLE ROAD AND SPRINGHOUSE ROAD.** Motion carried unanimously.

Chairman Creighton directed Assistant Township Secretary to send a letter to the individual whom was inquiring about these speed limit signs, informing him/her of this ordinance being passed.

Secy. /Treas. Position Status:

Thomas Creighton recommended that Zoning Officer Kevin Deppe, Assistant Secretary Tina Everett and Treasurer Rob Sadler to narrow it down to a certain number of individuals for the position.

Solicitor Healy suggested that they give the Board a list of no more than five (5) people for the position of Secy. /Treasurer to the Board in the next two (2) weeks.

After further discussing this matter the Board decided that Zoning Officer Kevin Deppe, Assistant Secretary Tina Everett and Treasurer Rob Sadler come up with a preliminary recommendation of five (5) people in the next two weeks.

Cingular Lease Proposal:

Cingular wants to change our current lease and they are trying to commit us to a new lease, in which they would guarantee the payments for 15 to 20 years, but they also wanted to offer a lower lease amount. Thomas Creighton’s opinion is to do nothing and continue collecting the money we are getting for our current lease agreement of \$1,000/month.

David Najarian felt that they should cut the weeds which are growing like a tree at our current cell tower location @ 7911 Kings Highway, New Tripoli.

A motion was made by Thomas Creighton, seconded by David Najarian not to take any action on the Cingular Lease Proposal. Motion carried unanimously.

Announcements:

Trick or Treat Night:

Has been set for Saturday, October 28th, 2006 from 6-8p.m. for Lynn Township.

Great PA Cleanup:

Thomas Creighton informed the public of the outstanding results of the Great PA Cleanup and thanked everyone for participating. We received an e-mail from Julia Marano from Harrisburg on August 22nd, 2006 which listed the outstanding results as follows: 5,689 cleanup events, 132,245 volunteers, 312,396 bags of collected trash, weighing 6,247,917 pounds, 1,068 communities involved, and all 67 counties in Pennsylvania.

Miscellaneous:

Charles Lenhart questioned what was going on with the swimming pool and pool house at the Ontelaunee Park.

David Najarian informed him that this was discussed in detail at the workshop meeting on August 31st, 2006. The issue on how it was to be paid for was not fully established. Matt Nemeth offered to get grant money to proceed with this project. The board will need to decide whether to keep the pool and bath house or get rid of them.

Thomas Creighton questioned Mr. Lenhart as to what he would like to see them do with the bath house and pool, and he responded that he would like to see the Township keep both the pool for a water supply for the fire companies and the bath house for a training facility.

David Najarian is in favor of doing something due to the liability of the pool, since you can walk through the fence and access the pool easily.

Thomas Creighton is in favor of getting rid of both the bath house and the pool at Ontelaunee Park.

Zoning Officer Kevin Deppe had gotten some numbers as to the cost of removing the bath/pool house and pool. Some of the numbers were in excess of \$20,000. This depends on who does it and how they do it.

Solicitor Healy questioned if there were any protected species in the pool.

Vacancy on Zoning Hearing Board:

An extended discussion was then held on the vacancy on the zoning hearing board, since John Leahy has resigned. John Leahy's term would have expired 1/1/07, so if the Board would appoint alternate Ron Fillis to take his place, then his term would be the same at John Leahy's existing term, which will expire on 1/1/07.

A motion was made by David Najarian, seconded by Charles Lenhart to appoint Ronald Fillis into John Leahy's vacancy and to declare Ron Fillis's prior alternate position vacant. Motion carried unanimously.

The Board authorized Kevin Deppe to draft up an advertisement for all boards and committee openings. The Board felt that once this was finished and they approved it, then we could advertise the positions in the local papers, such as the Northwestern Press and Merchandiser, since the cost is cheaper than advertising in the Morning Call.

Thomas Creighton felt that this could be mentioned in our next upcoming newsletter if possible.

Future Need for Code Inspector (Bldg. & Plumbing Inspector):

David Najarian questioned what the status of the building inspector was. David Najarian suggested that if Kevin Deppe is able to and passes the test that the Township would reimburse him for the test. After discussing this further the Board decided to table this matter and just let Mr. Deppe take the test and if he passes they will discuss the matter again on the reimbursement of the test cost.

Tina Everett, Assistant Secretary questioned if we should be advertising for this opening. After further discussion, they didn't feel this was necessary.

There was also discussion that the fee schedule would probably need a few adjustments after hiring a new building inspector or agency.

Public Comment:

None

Adjournment:

A motion was made by Charles Lenhart, seconded by David Najarian to adjourn meeting. Motion carried unanimously. Meeting adjourned at 9:30 p.m.